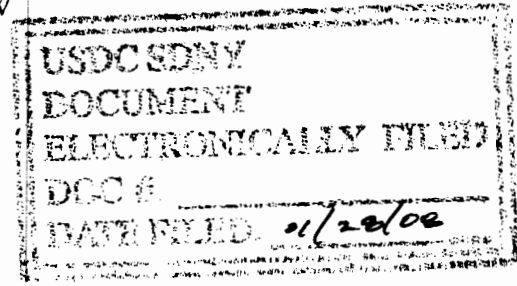


WORTH, LONGWORTH & LONDON, LLP**ATTORNEYS AND COUNSELLORS AT LAW**

111 JOHN STREET
NEW YORK, N.Y. 10038
TELEPHONE: (212) 964-8038
FACSIMILE: (212) 964-8164



January 22, 2008

Via Facsimile (212)805-6712

Honorable Kevin Nathaniel Fox
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 540
New York, NY 10007

Re: Michael Goines v. The City of New York, et al
Docket No: 07 CV 5448 (CM) (KNF)

Your Honor:

A settlement conference is scheduled in the above referenced matter for Monday, January 28, 2008.

I represent the individually named defendant New York City Police Officer Dennis Russo. In anticipation of the settlement conference I requested the Civilian Complaint Review Board report and investigation file. In addition I requested from co-defendant City of New York, that they provide me with the audio-tape recordings of the investigative interviews.

The City of New York has complied with the request for the investigation file and report, but has failed to provide the audio tapes of the interviews. Assistant Corporation Counsel Birnbaum could not provide me with a date as to when the tapes will be made available.

In addition to the delay in providing co-defendant Russo and plaintiff with the investigation file and audio tapes there is also a representation issue pursuant to New York State General Municipal Law § 50-k that needs to be addressed. I have requested the Corporation Counsel review the decision not to represent Police Officer Russo, but the official at Corporation Counsel who normally reviews these representation decisions has recused herself and referred me to a colleague.

At this point in time it is my position that Police Officer Russo has not engaged in conduct that would require the Corporation Counsel to refuse to represent him. The explanations I have been given do not justify the decision that has been made by the Corporation Counsel. On behalf of Police Officer Russo I need more time to resolve this issue with the Corporation Counsel.

Based upon the need to resolve the representation issue and the absence of the audio tape I would request the settlement conference be adjourned for at least thirty days. There have been no prior requests for an adjournment. Plaintiff's counsel consents to the adjournment and Ms. Birnbaum has informed me that the City of New York "takes no position as to the adjournment request but they are prepared to go forward."

Thank you for your attention to this matter.

1/25/08

The settlement conference previously scheduled for January 28, 2008, shall be held on February 26, 2008, at 10:30 a.m.

Respectfully submitted,



John W. Burns

*SO ORDERED:
Kevin T. Sullivan, J. of, U.S.M.C.*

JWB/lis

cc:

Via Facsimile (212) 788-9776

Brooke Birnbaum
Attorney for the City

Via Facsimile (212) 643-2901

Michael O. Hueston, Esq.
Attorney for Plaintiff

MEMO ENDORSED